



General Assembly

January Session, 2009

Raised Bill No. 913

LCO No. 3200

03200_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING UNITED STATES SENATE VACANCIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-211 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) In case of a vacancy in the office of senator in Congress, the
4 Governor, [is empowered to fill such vacancy by appointment as
5 herein provided. If such vacancy occurs one hundred fifty or more
6 days prior to a state election, the appointee shall serve until the third
7 day of January following such election, and at such election there shall
8 be elected a senator in Congress to serve for the remaining portion, if
9 any, of the term vacated. If such vacancy occurs within less than one
10 hundred fifty days of a state election and the term vacated does not
11 expire on the third day of January following such election, the
12 appointee shall serve until the third day of January following the next
13 such election but one, and at such next election but one there shall be
14 elected a senator in Congress to serve for the remaining portion, if any,
15 of the term vacated. If such vacancy occurs within less than one
16 hundred fifty days of a state election and the term vacated expires on

17 the third day of January following, the appointee shall serve until such
18 third day of January] except as otherwise provided by law, shall, not
19 more than ten days after the occurrence of such vacancy, issue writs of
20 election directed to the town clerks or assistant town clerks ordering
21 an election to be held on the one hundred fiftieth day after the issue of
22 such writs on a day, other than a Saturday or Sunday, to fill such
23 vacancy, provided (1) if such a vacancy occurs between the one
24 hundred twenty-fifth day and the sixty-third day before the day of a
25 regular state or municipal election in November of any year, the
26 Governor shall so issue such writs on the sixtieth day before the day of
27 such regular election, ordering an election to be held on the day of
28 such regular election, (2) if such a vacancy occurs after the sixty-third
29 day before the day of a regular state election but before the regular
30 state election, the Governor shall not issue such writs and no election
31 shall be held under this section, unless the position vacated is that of
32 member-elect, in which case the Governor shall issue such writs and
33 an election shall be held as provided in this section, and (3) if a
34 primary for such office occurs pursuant to subparagraph (C) of
35 subdivision (3) of section 9-450, as amended by this act, the Governor
36 shall, not later than ten days following the filing of a candidacy for
37 nomination by a person other than the party-endorsed candidate, issue
38 new writs of election, in place of those first issued pursuant to this
39 section.

40 (b) The Governor shall cause writs of election issued pursuant to
41 subsection (a) of this section to be conveyed to a state marshal, who
42 shall forthwith transmit an attested copy thereof to such clerks or
43 assistant clerks. Such clerks or assistant clerks, on receiving such writs,
44 shall warn elections to be held on the day appointed therein in the
45 same manner as state elections are warned, which elections shall be
46 organized and conducted as are state elections, and the vote shall be
47 declared, certified, directed, deposited, returned and transmitted in the
48 same manner as at a state election.

49 Sec. 2. Section 9-450 of the general statutes is repealed and the

50 following is substituted in lieu thereof (*Effective from passage*):

51 Nominations by major parties for any state, district or municipal
52 office to be filled under the provisions of any law relating to elections
53 to fill vacancies, unless otherwise provided therein, shall be made in
54 accordance with the provisions of sections 9-382 to 9-450, inclusive, as
55 amended by this act.

56 (1) (A) In the case of nominations for representatives in Congress
57 and judges of probate in probate districts composed of two or more
58 towns, provided for in sections 9-212 and 9-218, the delegates to the
59 convention for the last state election shall be the delegates for the
60 purpose of selecting a candidate to fill such vacancy. If a vacancy
61 occurs in the delegation from any town, political subdivision or
62 district, such vacancy may be filled by the town committee of the town
63 in which the delegate resided. Endorsements by political party
64 conventions pursuant to this subsection may be made and certified at
65 any time after the resignation or death creating such vacancy and not
66 later than the fiftieth day before the day of the election. No such
67 endorsement shall be effective until the presiding officer and secretary
68 of any district convention have certified the endorsement to the
69 Secretary of the State.

70 (B) If such a vacancy occurs between the one hundred twenty-fifth
71 day and the sixty-third day before the day of a regular state or
72 municipal election in November of any year, no primary shall be held
73 for the nomination of any political party and the party-endorsed
74 candidate so selected shall be deemed, for the purposes of this chapter,
75 the person certified by the Secretary of the State pursuant to section 9-
76 444 as the nominee of such party.

77 (C) Except as provided in subparagraph (B) of this subdivision, if a
78 candidacy for nomination is filed by or on behalf of any person other
79 than a party-endorsed candidate not later than fourteen days after the
80 party endorsement and in conformity with the provisions of section 9-
81 400, a primary shall be held in each municipality of the district and

82 each part of a municipality which is a component part of the district, to
83 determine the nominee of such party for such office, except as
84 provided in section 9-416a. Such primary shall be held on the day that
85 the writs of election issued by the Governor, pursuant to section 9-212,
86 ordered the election to be held, and new writs of election shall be
87 issued by the Governor in accordance with section 9-212.

88 (D) Unless the provisions of subparagraph (B) of this subdivision
89 apply, petition forms for candidacies for nomination by a political
90 party pursuant to this subdivision shall be available from the Secretary
91 of the State beginning on the day following the issuance of writs of
92 election by the Governor pursuant to section 9-212, except when a
93 primary has already been held, and the provisions of section 9-404a
94 shall otherwise apply to such petitions.

95 (E) The registry lists used pursuant to this subsection shall be the
96 last-completed lists, as provided in sections 9-172a and 9-172b.

97 (2) In the case of judges of probate in probate districts composed of
98 a single town, the day named for the election shall be not earlier than
99 the one hundred fifteenth day following the day on which the writ of
100 election is issued, and the times specified in sections 9-391, 9-405 and
101 9-423 shall be applicable.

102 (3) [In the case of a vacancy in the office of senator in Congress
103 occurring one hundred fifty or more days prior to a state election, the
104 party-endorsed candidate of each party for such office shall be
105 designated at the state convention of such party held for the
106 endorsement of candidates for the state offices to be filled at such
107 election; contesting candidacies for nomination to such office shall be
108 filed not later than four o'clock p.m. on the twenty-first day following
109 the close of such convention; and the primary of such party for
110 nomination to such office shall be held simultaneously with the
111 primaries of such party for nomination to the state and district offices
112 to be filled at such election. If, at the time such vacancy in the office of
113 senator in Congress occurs, such state convention has already been

114 closed, it shall be reconvened by call of the chairman of the state
 115 central committee of such party, which call shall be mailed to each
 116 delegate selected for such convention not less than seventy-two hours
 117 prior to such reconvening; such reconvened convention shall be closed
 118 not later than the tenth day following the occurrence of such vacancy.
 119 The party-endorsed candidate of such party for such office shall be
 120 designated at such reconvened convention. Contesting candidates for
 121 nomination to such office shall be filed not later than four o'clock p.m.
 122 on the twenty-first day following the close of such reconvened
 123 convention. If the primaries of such party for nomination to the state
 124 and district offices to be filled at the state election are held not earlier
 125 than the forty-ninth day following the close of such reconvened
 126 convention, the primary of such party for nomination to the office of
 127 senator in Congress to fill such vacancy shall be held simultaneously
 128 with the primaries of such party for nomination to such state and
 129 district offices; otherwise, the Secretary of the State shall fix the day for
 130 the primary of such party for such nomination to the office of senator
 131 in Congress, which day shall be not earlier than the forty-ninth day
 132 following the close of such reconvened convention and not later than
 133 the twenty-first day preceding the day of the state election.] (A) In the
 134 case of nominations for senators in Congress provided for in section 9-
 135 211, as amended by this act, the delegates to the convention for the last
 136 state election shall be the delegates for the purpose of selecting a
 137 candidate to fill such vacancy. If a vacancy occurs in the delegation
 138 from any town or political subdivision, such vacancy may be filled by
 139 the town committee of the town in which the delegate resided.
 140 Endorsements by political party conventions pursuant to this
 141 subsection may be made and certified at any time after the resignation
 142 or death creating such vacancy and not later than the fiftieth day
 143 before the day of the election. No such endorsement shall be effective
 144 until the presiding officer and secretary of any district convention have
 145 certified the endorsement to the Secretary of the State.

146 (B) If such a vacancy occurs between the one hundred twenty-fifth
 147 day and the sixty-third day before the day of a regular state or

148 municipal election in November of any year, no primary shall be held
 149 for the nomination of any political party and the party-endorsed
 150 candidate so selected shall be deemed, for the purposes of this chapter,
 151 the person certified by the Secretary of the State, pursuant to section 9-
 152 444, as the nominee of such party.

153 (C) Except as provided in subparagraph (B) of this subdivision, if a
 154 candidacy for nomination is filed by or on behalf of any person other
 155 than a party-endorsed candidate not later than fourteen days after the
 156 party endorsement and in conformity with the provisions of section 9-
 157 400, a primary shall be held in each municipality to determine the
 158 nominee of such party for such office, except as provided in section 9-
 159 416a. Such primary shall be held on the day that the writs of election
 160 issued by the Governor, pursuant to section 9-211, as amended by this
 161 act, ordered the election to be held and new writs of election shall be
 162 issued by the Governor, in accordance with section 9-211, as amended
 163 by this act.

164 (D) Unless the provisions of subparagraph (B) of this subdivision
 165 apply, petition forms for candidacies for nomination by a political
 166 party pursuant to this subdivision shall be available from the Secretary
 167 of the State beginning on the day following the issuance of writs of
 168 election by the Governor, pursuant to section 9-211, as amended by
 169 this act, except when a primary has already been held and the
 170 provisions of section 9-404a shall otherwise apply to such petitions.

171 (E) The registry lists used pursuant to this subsection shall be the
 172 last-completed lists, as provided in sections 9-172a and 9-172b.

173 (4) The times specified in sections 9-391, 9-405 and 9-423 shall be
 174 applicable to any special town election held to fill a vacancy in any
 175 town office under subsection (b) of section 9-164. Except as provided
 176 under subsection (c) of section 9-164, any election held to fill a vacancy
 177 in any municipal office under the provisions of any special act shall be
 178 held not earlier than the one hundred twenty-seventh day following
 179 the day upon which warning of such election is issued, and the times

180 specified in sections 9-391, 9-405 and 9-423 shall be applicable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-211
Sec. 2	<i>from passage</i>	9-450

Statement of Purpose:

To provide for an election to fill any vacancy in the office of United States Senator.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]